

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WEST BEND MUTUAL INSURANCE)
COMPANY,)
)
 Plaintiff,)
) Case No. 4:21-00413-CV-RK
v.)
)
JOSEPH HAMMERLY, et al;)
)
 Defendants.)

ORDER

This case was filed by Plaintiff West Bend Mutual Insurance Company on June 14, 2021, against (1) Joseph Hammerly, (2) Emily Hammerly, (3) L.S., a minor by and through her Next Friend S.S. and her parents, S.S. and J.S. individually, (4) Little Learner, Inc., and (5) Little Learner, II, LLC.

On March 21, 2022, Plaintiff sought an entry of default against Joseph Hammerly, Little Learner, Inc., Little Learner II, LLC, and Emily Hammerly. (Doc. 43.) The deadline to file a response was April 4, 2022. Meanwhile, on March 31, 2022, the Court granted a motion to stay filed by L.S. (as well as S.S. and J.S.).

On August 16, 2022, a joint stipulation of dismissal was filed by Plaintiff and L.S. (as well as S.S. and J.S.) stating they “hereby stipulate and agree that *this lawsuit* is hereby dismissed WITH PREJUDICE” (emphasis added). Although the stipulation couched dismissal in terms of “this lawsuit,” the filing made no mention of Joseph Hammerly, Little Learner, Inc., Little Learner II, LLC, and Emily Hammerly.

On August 17, 2022, the Court ordered Plaintiff to file a status update, on or before August 30, 2022, as to its Application for Entry of Default (Doc. 43) against Joseph Hammerly, Little Learner, Inc., Little Learner II, LLC, and Emily Hammerly. (Doc. 52.) To date, no status update has been filed.

Under the Federal Rules of Civil Procedure, the Court has a duty “to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. In light of the Court’s responsibility under the Federal Rules of Civil Procedure and the history of this case, the Court **ORDERS** Plaintiff to file such status update, on or before October 13, 2022. Plaintiff’s failure to do so will result in the dismissal of this case as to all named defendants without further notice.

IT IS SO ORDERED.

/s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: October 5, 2022